A REMONSTRANCE OF Some *DECREES*, and other *Proceedings*, of the Commissioners of *Sewers*, for the *Upper Levels*, in the Counties of *KENT* and *SUSSEX*; touching the Proportioning of *Water-Scots* upon the said LEVELS.

PUBLISHED,

For Information of the Commissioners, and Owners of the said Levels *for the time being.*

BY

Nathaniel Powell, *Esq*;

LONDON,
Printed by *Thomas Mabb* for the Authour.
1659.

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MVSEVM
BRITAN
NICVM

A REMONSTRANCE of ſome Decrees, and other Proceedings of the Commiſsioners of Sewers, for the Upper Levells, in the Counties of *KENT* and *SUSSEX*, touching the proportioning of Water-ſcots upon the ſaid Levels.

At a Seſſion of Sewers, holden at Maidſtone, *the* 15th. *day of* March, 1613.

IT is Ordered and Decreed as followeth, by us, his Majeſties Commiſſioners of Sewers, whoſe Names are hereunder written Commiſſioners for the ſurrounded Lands, ſewing into the River of *Rother*; betwixt *Tiſehurſt* and *Cheriton* Bars.

Firſt, we ratifie and confirm a Decree heretofore made by ſome of us and others, Commiſſioners of Sewers, made at *Tenterden*, the firſt day of *October*, in the eleventh year of the Reign of our Soverign Lord *James*, by the Grace of God, King of *England*, *France* and *Ireland*, and of *Scotland* the forty ſeventh. It is alſo Ordered and Decreed, for the better execution of the works preſcribed in the ſame Decree, That the great Gut, between *Smalled* and *Reeding*, neer a

 place

place called the *Brickoſt*, lying in the new Sewer, ſhall be taken up and removed, and laid at or neer the place where formerly it did lye, at the end of the ſaid new Sewer, by the appointment and direction of *Robert Shephard*, Eſquire, Expenditor of the ſaid Levels: It is likewiſe Ordered and Decreed, That one Wall or Dam, ſhall be made croſſe the Channel, or River of *Rother*, at or neer the ſame Gut, being new laid as foreſaid, to keep out the ſea from ſwarving the ſame Channel upwards, during the time that workmen ſhall be imployed about the enlarging and ſcouring the ſaid Channel; And that the ſaid Sewer ſhall be cleanſed and repaired, and all ſtops and impediments in the ſame Sewer, ſhall be removed and taken away, by the appointment of the ſaid Expenditor. It is alſo Ordered and Decreed, That with all convenient ſpeed, workmen ſhall be ſet on work by the ſaid Expenditor, for the removing the ſaid Gut; making the ſame ſtop or damme, and inlarging and ſcouring of the ſaid Channel, from the ſaid ſtop or Damme unto *Loſſenham* Gut, to the breadth of forty foot, beſides ten foot fore-land, at each ſide. It is alſo Ordered and Decreed, That with all convenient ſpeed, the Wall and Marſhes between the ſaid Channel, and the aforeſaid new Sewer ſhall be cut at or neer *Maitam* Ferry, and a Damme made there croſs the ſaid Channel, to divert the courſe of the Channel into the ſaid new Sewer, whileſt the ſaid Channel is in cleanſing

ſing or ſcouring. *Item*, It is Ordered and Decreed, That the ſaid Channel, ſhall be likewiſe cleanſed and ſcoured, from the ſtop or damme aforeſaid neer *Reeding*, unto *Oxney* Ferry, where need ſhall be before *All-ſaints* next comming. It is alſo Ordered & Decreed, That the ſaid Expenditor ſhall this preſent ſpring-time provide one thouſand Tuns of Timber, at as good cheap rates as he can, and at as convenient places, neer the intended Works, as the ſame may be had. In Witneſſe whereof, we the Commiſſioners of Sewers, whoſe names are hereunder written to either part of this Indented Decree', have ſet our hands and ſeals, the Day and Year firſt above written:

Sealed and ſubſcribed, by,

Fran. Fane,
Walter Chute,
George Fane,
Fran. Barnham,
William Sedley,
Thomas Culpeper,
Richard Shepheard,
George Phillips.

At a Seſſion of Sewers holden at Northiam, *in the County of* Suſſex *the* 16th. *day of* May *in the ſecond year of the Raigne of our Soveraigne Lord* Charles, *&c. before* Sr. Nicholas Tuſton, Sr. Iſaac Sidly, Knights *and* Baronets, Sr. John Wildigos, Sr. Raph Boſuile, Sr. Alexander Culpeper, Sr. Humfry Tufton *Knights*, Robert Foſter, John Theobald, John Porter, William Culpeper, Thomas Dike *Eſquires*. Peter Courthope, William White *Gentlemen*. *By vertue of his Majeſties Commiſſion to us and others Directed bearing date the firſt day of* June *in the firſt year of his Majeſties Raign in manner and forme following*, viz.

FForaſmuch as at this preſent Seſſion of Sewers, as well by Petition and certificate of ſeverall perſons abſent, as by complaint of divers perſons preſent and juſtly proved, the deep drowned lands, lying in *Eaſt Maitham*, *Weſt Maitham*, *Newenden*, *Sandherſt*, *Bodiham*, *Ewhurſt*, *Northiam* and *Beckley*, have heretofore been ſcotted and Taxed, to pay more money than the ſaid Lands are now, or then were worth to be let by the year, or more than the Feeſimple or Inheritance thereof can be ſold for, and yet neither do nor can receive any profit or very little, not proportionable to the Charge by the ſaid works, for which the ſaid *Scots* are impoſed, whereby many Owners of the ſaid Lands are much decayed & hindred, and no Tenants

nants can be procured to occupie the ſaid Lands, by reaſon of the greatneſs of the *Scots*, and many fatherleſs children left unprovided for; Of all which the Commiſſioners now preſent, by their own knowledge & View are ſufficiently aſſured; and therefore, accordingly as is petitioned, think fit it be reformed, and the ſaid inconveniences hereafter prevented, and the exceeding great *Scots*, and little profits accrewing thereby, to the owners and Occupiers of the lands in the ſaid levells, which may in time to come be avoided; The ſaid Commiſſioners therefore do now order and decree, that the ſaid Lands, ſhall not be from henceforth Scotted or Taxed, to pay any Scots or Taxes of money to be hereafter impoſed or ſet upon all or any of the ſaid Lands in the ſaid Levells, more than the Annuall value or Rent of the ſame, are or may be let for, and that rateably to the profit to be received by the work, for which the ſaid Scots are to be Taxed and aſſeſſed (except ſuch Scots only as ſhall hereafter be ſet and impoſed for, or concerning apparent inundations to the utter loſs of the whole levell or greater part thereof.

Sealed and
ſubſcribed
by

Nicholas Tufton *Ra. Boſuile* *John Theobald*
Iſaac Sedley *J. Wildigos* *John Porter*
Allex. Culpeper *Hu. Tufton* *Thomas Dike*
Will. Culpeper *Rob. Foſter* *Peter Courthope*
William White.

Kent Sewers and River of *Rother.*

At a Seſſion of Sewers, holden at Maidſtone *the* 25. *of* May 1627. *by Vertue of a Commiſſion, bearing date the firſt of* June, *in the firſt year of the Raign of King* Charls.

WHereas at a Seſſion of Sewers, holden at *Tenterden*, the 15th. of this inſtant *May* 1627. It appeared unto the Commiſſioners there aſſembled, That by reaſon of the great expences about repairing of ſome dangerous wracks in the great Sluce, upon *Woodruff* Indraught, and for the avoiding of the great prejudice & dammage that might have falln upon *Romney Marſh* (which by a Decree heretofore made the Owners of the Lands Taxed to the works upon the ſaid River of *Rother*, are tyed and bound to ſecure) by the ſalt-waters of the ſaid Indraught, if the Wals thereof had broken (as they were very likely) if by great charge, care and induſtry, it had not been prevented, by reaſon whereof, the money formerly due to Mr. *Alexander Fowle*, hath not been paid unto him by the Expenditor, as was purpoſed and intended; ſo that there is ſtill owing to the ſaid *Alexander*, the ſumme of one thouſand ſix hundred foure-

foureſcore and two pounds, foure ſhillings one peny half peny; beſides, other ſummes, due to *Edward Henden*, Serjeant at Law, and others for Indraught Rents, Tythes, and for the Kings Majeſties proviſion, for the lands within the ſaid Indraught. It is now Ordered and Decreed, That for diſcharging of the ſaid ſummes of money ſo due as aforeſaid, for the looking to the Sluces, and doing of ſome works of ſuch neceſſity, as cannot be without further prejudice delayed or avoided, there ſhall be Levied, Collected and gathered by Sir *Edward Hales*, Knight and baronet, Bayliff and Treaſurer, for the works aforeſaid, or by his Deputy or Deputies, Thirteen Scots or Taxes of foure pence the Acre, for all the Summer lands, and twelve pence the Acre for all the ſurrounded and loſt lands, lying between *Oxney* Ferry and *Vdiham* Oake, heretofore ſcotted to the works, upon the ſaid River of *Rother*; The ſaid ſcots to be paid every week one, at ſuch place, as the ſaid Bailiff or his Deputy ſhall think fit, giving notice thereof at all ſuch Pariſh Churches, as hath been heretofore uſually accuſtomed. And it is Ordered & Decreed, That if any perſon or perſons, rated and Taxed as aforeſaid; ſhal make default of paiment of ſuch ſeveral ſums of money, as they ſhall be rated and taxed at as aforeſaid; That then they & every of them, ſo making default, ſhall forfeit and pay the doubles and Wanes of the ſaid ſcots, according to the cuſtome of *Romney Marſh*, or as the ſaid Bayliff or his ſaid Deputy ſhall think fit, the firſt of the ſaid Scots

to

to be due and payable on Tuesday the nineth day of *June* next.

Thomas Culpeper,
John Fowle,
John Austen,
George Curtis,
John Hales,
Walter Harlockenden,
Ralph Bufkin,
John Henden.

At a Session of Sewers holden at Northiam *in the County of* Sussex, *the eighth day of* August 1627. *before the Right Honourable* Nicholas *Lord* Tufton, *Sr.* John Shelley *Knight and Baronet, Sr.* John Wildegos *Knight,* John Theobald, William Culpeper, *and* Thomas Dike *Esquires. By vertue of his Majesties Commission to us, and others directed, bearing date the first day of* June *in the first year of the Raign of our Soveraigne* King Charles.

WHereas it appeared by Mr. *Allexander Fowle* his last accompt that he made at *Tenterden,* That the scotable Lands sewing into the *River* of *Rother* were indebted to the said Mr. *Fowle,* the summe of 24col. or thereabouts, for which the six and twentieth of *August* 1625. there

there were ſeventeen Channell ſcots granted *viz.* of all the drowned Lands twelve pence the Acre, and of all the ſommer lands, foure pence the Acre, which ſaid ſcots with two indraught ſcots; received by Mr. *Samuel Curtis* late expenditor, doth amount unto 3015l. 2s. 10d. out of which the ſaid Mr. *Curtis* hath paid unto Mr. *Alexander Fowl*, as appeareth by his accompt only 748l. 8s. 9d. and ſo the debt due unto Mr. *Fowle* is now, as by Mr. *Curtis* his accompt appeareth, 1682 l. 4s. 1d. *ob.* for the payment, whereof at a Seſſions of Sewers holden at *Maidſtone*, the twenty fifth. *May* 1627. it was decreed that there ſhould be thirteen ſcots leavied, amounting unto 2063l. or thereabouts, being twelve pence the acre for drownd Lands, & four pence the ſommer Lands, which ſaid ſum of 2063l. being much more than will pay Mr. *Fowle*, and becauſe the ſaid accompt is very imperfect, leaving out the dayes of payment of ſeverall ſums, being very materiall; and becauſe we are very deſirous that Mr. *Fowl* ſhould be ſatisfied for ſo much as he and Mr. *Curtis* hath onely laid out to prevent the Inundations, if any were ſince the ſix and twentieth of *May* 1626. We do order and decree, in confirmation of that order, that the wet Levells ſhall pay the uttermoſt value that hath been made thereof ever ſince, and no more, and if there be any apparent danger of Inundations at any time hereafter, or neceſſity of more ſcots, we order that the drowned Lands ſhall pay an equall

proporcion by the Acre, with the reſt of the ſcotable Lands, and no more.

The preſentment of Richard Sharpe *Gentleman, and his fellow Jurors, ſworn & impannelled at a Seſſion of Sewers holden at* Newenden *the tenth day of* Aprill *laſt paſt before Sr.* Edward Hales *Knight and Barronet, Sr.* Thomas Henly, *Sr.* John Fowle *Knights,* John Porter, Thomas Dike, William White *Eſquires, and* Richard Cockram *Major of* Rye, *Commiſſioners of Sewers for the* River *of* Rother, *and certain Limits thereunto adjoyning within the Counties of* Kent *and* Suſſex, *given up at* Sandherſt *in the ſaid County of* Kent *the eighteenth day of* Sept. 1627, *to his Majeſties Commiſſioners there aſſembled in manner and form following,* viz.

IMprimis, the ſaid Jurors, (having peruſed the ſaid Channel or *River* of *Rother,* together with the leſſer Rivers running into the ſame) do preſent that it is requiſite and neceſſary that the Haſſocks, Coares and ſeates of the old damms in the ſaid Channel from *Udiham Oak* to *Ebony Gut,* where need is, be clenſed, ſcoured, and caſt out

of

of the ſame, and that the ſaid Channell be yearly weeded where need ſhall require, for the more free and better paſſage of the water ſewing in, and by the ſaid River and Channel.

Item, The ſaid Jurors preſent, that *Kent* River, *Hatckſden* Rivers, and all other the ſmall Rivers iſſuing into the ſaid Channel or River of *Rother* are very much ſwarved; to the great prejudice and annoyance of the Levels and Marſh-lands lying and adjoyning to each ſide of the ſaid Rivers.

Item, Whereas by a view lately taken of Old *Wood-ruffe*; it appeareth unto the ſaid Jurors, That the ſaid Indraught cannot be uſed for the ſaid purpoſe, without an extraordinary annuall charge, as (by former experience thereof) is too well known to many of the ſaid Jurors; and if the walles of the ſaid indraught (now much fretted and broken) ſhould be repaired, it could not be uſed but at ſuch times as the weather is very calm by reaſon the greateſt and moſt chargable Wall, together with diverſe other parcels of Wall about the ſame, doth ſtand upon ſuch low ground, that when the water is at loweſt, the ſeats of the ſame Wals are never ebbed dry; Therefore the ſaid Jurors do preſent, That for the preventing of further charge, about repairing and maintaining of the ſaid Wall, and the avoiding

the great dammage and prejudice which may happen to *Romney Marſh*, it will be fit and neceſſary; That the main and principall part of the ſaid Indraught be no longer uſed for the ſaid purpoſe; and that it be Walled and ſhut off with all convenient ſpeed, at or neer the place where *Chapple-hook-bridge* did lately lye; And that the neck of the ſaid Indraught (which containeth by eſtimation about Thirty five Acres) be uſed for a freſh Indraught, and if after experience thereof had, it ſhall not prove ſufficient for the cleanſing, ſcouring and keeping open of the ſaid Channel, from the ſtop down-wards; That then it will be needfull and neceſſary, to let in the ſalt Waters in the Spring-tides at full-ſea, when the water is cleared, which may be pent in untill almoſt half ebb; And then let out to run with violenee upon the bottome of the ſaid Channel.

Item, The ſaid Jurors preſent, That it is moſt neceſſary and convenient, the wreck in the Splay of the great freſh water-ſluce, be with all ſpeed repaired and amended; and that there be two ſufficient Groins made from the Corner poſts of the ſaid ſplay, towards the ſea, ſo far as need ſhall require, for the ſtrengthing and ſecuring of the ſaid ſluce.

Item, Whereas by reaſon of extraordinary violent ſtorms and inundations of the ſea and freſh waters, *Alexander Fowle* Gentleman, hereto-

fore

fore expenditor for the ſaid works, was ſuddenly conſtrained to diſburſe great ſums of money, for the preſervation of the ſaid ſluces, and the prevention of drowning *Romney Marſh*, and other Marſh-lands adjoyning; for the preſervation and ſecurity whereof, All the Marſh-lands ſcotted and taxed to the aforeſaid Works, are ſtrictly tyed and engaged; As by a Decree of the Commiſſioners for the ſaid Works, it doth and may appear: And for as much as a great part of the ſaid ſumms is as yet unpaid, as by the ſeverall accompts of *Samuel Curtis* Gentlemen, now Mayor of *Tenterden*, and the ſaid *Alexander* it doth and may appear; The want whereof hath already been exceeding prejudiciall unto the ſaid *Alexander*, and the further forbearance thereof may be his utter overthrow and undoing; Therefore the ſaid Jurors preſent, That they hold it moſt neceſſary (and humbly deſire) that the Commiſſioners will be pleaſed to take into their ſerious conſiderations, that ſome ſpeedy courſe be taken for the payment of ſuch ſumms as remain due unto him, with ſuch intereſt and allowance for his travell and expences, about the taking up of the ſaid moneys, as ſhall be thought reaſonable.

And as touching the benefit and profit which all the ſeverall Levells and Marſh-lands Scotted to the aforeſaid works, have received thereby, the ſaid Jurors do preſent that the Lands from *Farnhill Wall* to *Redding Ferry* on the ſide of the Chan-

nel next T*enterden*, and all the ſomer-lands on the other ſide of the Channel over againſt the ſame, and from thence to *Blackborne-groyne* have received the greateſt benefit by the ſaid works; and that all the ſomer-lands from the aforeſaid Lands upwards, to the end of all the Scottable Lands, the next greateſt benefits by the ſaid works, and that *Sherley-moore* and *Eboney-levell* have received the next beſt benefit by the ſaid Works; being thereby preſerved and ſecured. And that all the Drowned Lands Scotted and Taxed at twelve pence the Acre, have received much leſs benefit than any of the ſeveral Levels or Marſh-lands before mentioned.

Item, the ſaid Jurors preſent (conſidering the great charge of the Lands Scotted heretofore at twelve pence the Acre, and the ſmall profit, the ſaid Lands have received.) That it is moſt neceſſary and requiſite, that from henceforth all the Marſh-lands as well Sommer-lands, as Wet-lands heretofore Scotted and Taxed, to the ſaid Works upon the ſaid River of *Rother*, be Taxed at one and the ſame rate by the Acre, and by one and the ſame Meaſurement, by the Rod of ſixteen foot and a half, towards the cleanſing and preſerving of the Channel, the maintenance of the Indraught and Sluces, and all other payments and diſburſements, for the general works whatſoever. And as touching the Scotting of the Lands for the time paſt, being done by former

mer Decrees (as we conceive) it concerns not us to meddle therewith.

Subſcribed Kent *Jurors.*

Richard Sharpe,
John Sharpe,
Edmond Hamon,
Edward Cutbuſh,
his Mark.
Nicholas Tuſton,
Hector Benden,
William Blackamore,

Suſſex *Jurors.*

John Toockie,
John Iden,
Richard Holman,
William Auſten,
Joſhua Freeman,
Tho. Freeman's mark.
Thomas Seere.
Job Couchman.

A Seſſion of Sewers, holden at Sandherſt, *in the County of* Kent, *the* 18th. *day of* September, *Anno Dom.* 1627. *before the Right Honourable,* Nicholas *Lord* Tufton, *Sir* Edward Hales, *Kt. and Baronet*, *Sir* John *Wildigos*, *Sir* John Fowle, *Sir* Walter Roberts, *Knights*; Samuel Boys, Edward Chute, *and* Thomas Dike, *Eſquires*; *by Virtue of his Majeſties Commiſſion to us and others directed, bearing date the firſt day of* June, *in the firſt year of the Raign of our Soveraign Lord* Charles, *&c.*

WHereas there are certain Differences, between the Commiſſioners of Sewers, for the Works upon the River of *Rother*, it is Ordered and decreed, that for the finall ending and determining of all the ſaid differences, there ſhall be two Lawyers choſen, under the degrees of Serjeants, by the Lord *Tufton*, Sr. *Walter Roberts*, and Mr. *Dike*, or any two of them, and two other Lawyers of the ſame Ranke by Sr. *Edward Hales*, Sr. *Thomas Culpeper*, and Sr. *John Hales*, or any two of them, and if the ſaid Lawyers to whom it ſhall be referred; ſhall not end the ſaid differences; Then the Lord Cheif Baron is to be intreated to be Umpire to Determine the ſame; and ſuch end as the ſaid Lawyers to be named, or any three of them ſhall ſet down under their Hands and Seals, before the end of

next

next Term, ſhall binde the ſaid parties, and all others, whom it doth or ſhall concern; And if the ſaid Lawyers, or any three of them, ſhall not agree in Opinion concerning the ſaid Differences, and the end to be made of the ſaid Differences, then ſuch end as the Lord Chief Baron, and two of the aforeſaid Lawyers, ſhall ſet down, as aforeſaid, under their hands and ſeales, by the time aforeſaid, ſhall firmly binde all the ſaid parties, and all others, whom it may or doth concern.

Nicholas Tuſton — *Walter Roberts*
Edward Hales — *Samuell Boys*
John Wildigos — *Edward Chute*
John Fowle — *Thomas Dike*

The caſe drawn up by the Referrees upon Hearing of the Objections and Anſwers on both parts; And aſſented unto and ſubſcribed by the Lord Tufton, *Sr.* Edward Hales, *Sr.* Walter Roberts, and *Sr.* Thomas Culpeper, *viz.*

THe Levells of *Newenden*, *Farnhill*, *Dombarne*, *Kenchill*, and *Sherleys-moore* ſew into the River of *Rother*, but at ſeverall places, according as they lie neerer or further from the ſea, and as ſeverall bodies were formerly governed by ſeverall Commiſſions of Sewers.

Newenden Lands were drowned and loſt, *Farnhill*, *Dombarne*, and *Kenchill*, much decayed:

Sherleys-more and *Ebonie*, in danger to be ſurrounded and loſt, if ſome courſe were not taken for preſerving the ſame.

Sherleys-more did time out of minde for all drayninges and water-works Scot by an eighteenth foot pole to the Rod, but were during all that time governed by a particular Commiſſion, only Scotted amongſt themſelves, but how the other Levells were Scotted, or whether they were Scotted at all or not, being for the moſt part under Water, we know not.

A worke was propounded for the generall good of all the aforeſaid lands; & it was then conceived *Newmeden-levell* might thereby be regained, *Farnhill*, *Dombarne* and *Kenchill* reſtored, *Eboney* and *Sherleys-moore* preſerved.

And it was then for the furtherance of this work, propounded and deſired by ſome of the owners of the drowned lands, that all thoſe levells might be joyned in one Commiſſion, which was done accordingly, although the Owners of *Sherleys-moore* did then conceive, that they could have preſerved themſelves at an eaſier rate, than by joyning with the wet levells.

After many meetings and conſultations about the Workes to be done, and leavies to be made for doing the ſame, by the ſpace of three years, after ſuch Commiſſion taken out, becauſe it was conceived that the benefit would be farr greater to the drowned lands, than to *Sherleys-more* and the other Sommer lands.

Prime

The first of *October* the eleventh of King *James* by divers Commissioners, owners of the drowned lands and decaying lands, divers works were decreed to be done, and twenty Scots, decreed to be levied for performance thereof, at twelve pence the acre for the drowned lands, foure pence the acre for the sommer lands, and two pence the acre for the winter lands, with a proviso that such of those lands as were held by Farmers, who had leases for above Ten years, should pay these Scots, if under ten years, then two parts should be paid by the owners & the third part by the Lessees.

Afterwards at severall Sessions of Sewers by Commissioners, owners in all the said levells, other works were decreed to be done, and many Scots granted, at the rates of twelve pence and four pence the acre, and the works done, and the Scots paid accordingly.

Sherleys-more paid all the Scots after the rate of eighteen foot to the pole, and the other Levells after the rate of sixteen foot and a half, but this difference in measure, was not known to divers owners of the wet levels untill the yeare 1618 and from that time to this, hath been alwayes complained of.

Afterwards at a Session of Sewers holden at *Ashford* in *June* 1618 it was complained of by divers, & desired, that *Sherleys-more* might be newly admeasured, because it hath ever since that Commission Scotted by a larger Pole than the other Levells. It was then thought fit and decreed, that

it ſhould be put off till there were a meeting of Sewers at *Tenterden*.

And the thirteenth of *September* 1620. at a Seſſion of Sewers holden at *Tenterden*, It was moved by ſome of the Commiſſioners, that *Sherleys-more* might be newly admeaſured, becauſe it Scotted by a larger acre than the other levells, but anſwer was thereunto made, that it was a principall motive that the owners and Farmers of *Sherleys-more*, did firſt yield to be included in the ſaid Commiſſion, in regard their lands were antiently Scotted by a larger acre than the other levells; and that it was then agreed the ſame ſhould be ſo continued, and therefore it was thought fit and carried by the plurality of voices of the Commiſſioners, that no new admeaſurement ſhould be made of *Sherleys-more*, but this was not entred as a decree, nor ſubſcribed by any of the Commiſſioners.

Afterwards divers works were decreed, and Scots granted at the rates of twelve pence and four pence as aforeſaid, without any new admeaſurement, or mencion of any difference in meaſure, and the Scots paid accordingly.

In *May* 1622. ſome owners of the drowned and ſommer-lands deſired, that an indraught might be made at *Woodruff*, and a ſtop in the chanell at *Thorney Wall*, which was then conceived would drye all the drowned lands; and, thereupon by conſent of the Commiſſioners, owners in the ſaid levels, a leaſe for thirty one years was taken of Mr. Serjeant *Henden* of *Woodruff* in twenty

foure of the Commiſſioners names at 180l. *per an.* Rent, and an indraught made there, and a ſtop at *Thorney Wall*, and all the levels by decree are to make good all damages that ſhal come to *Romney* and *Walland-marſh*, by reaſon of this indraught.

Twenty ſixth of *Auguſt* 1625. It was decreed that the Rent of 180l. ſhould be paid yearly during the time *Woodruff* ſhould be imployed to that uſe out of two indraught Scots granted at the rate of twelve pence and four pence, as aforeſaid.

After this divers works were decreed, and Scots granted at the rates aforeſaid, and the workes were done and the Scots paid.

But the drowned levels received little, or no benefit thereby, although they had paid more in Scots than twice or thrice ſo much as their lands are now worth to be ſold.

Thereupon divers of the Commiſſioners the twentie ſixth of *May* 1626. made a decree, that from that time, the drowned lands ſhould not be ſcotted in any one year, at more than the annuall Value or rent thereof, unleſs it were to prevent apparent inundations to the utter loſſe of the whole, levell or greater part thereof.

After there hapned an Extraordinary Tide and divers ſtormes, which indangered the great ſluce and indraught Walls, which coſt above 2000l. and if theſe hurts and wracks had not been forthwith repaired, it would have coſt the levels twice or thrice aſmuch in dammages done to *Romney Marſh* and *Walland Marſh*.

The fifteenth of *May* 1627 divers Commiſſioners met, at a Seſſion of Sewers at *Tenterden*, conſideration was taken how the ſaid 2000l. ſhould be levied, and becauſe few Commiſſioners Owners of the drowned lands were then there, They decreed a Seſſion of Sewers ſhould be holden at *Maidſtone*, the twenty fifth of the ſame Moneth, and that notice thereof ſhould be given to the Commiſſionors, eſpecially ſuch as were owners of the levels, ſcoted and taxed to the ſaid works, which was done accordingly.

The twenty fifth of *May* 1627. For diſcharging of the ſaid 2000l. ſo expended, the Commiſſioners granted 13. Scots, at the rates of 12d. & 4d. the acre theſe 13. Scots amounted to more then three or foure years value of the drowned lands, which the owners thereof refuſed to pay, becauſe it was contrary to the order of twenty ſixth of *May* 1626.

For reconciling of all differences, a Seſſion of Sewers was appointed at *Cranbrook* the ſeventh of *Auguſt* 1627. where twenty two Commiſſioners met, and the matters in difference were long debated, ſome of the Commiſſioners went away without declaring of what opinion they were, others were for payment of the ſaid thirteen Scots, and the reſt againſt it, and in fine Tenn of the ſaid Commiſſioners, nine of them being of the *Quorum*, and foure of them that made the decree twenty fifth of *May*, 1627 did ratifie the ſaid decree of 25. *May*, for payment of the ſaid thirteen ſcots.

The ſaid ſeventh of *Auguſt*, Maſter *Dike*, one of the

the Commiſſioners did ſpeake to *Cogger*, the Clerke of the Sewers to bring his book of Decrees the next day to *Northiam* to the Lord *Tufton*, which he did, and the Lord *Tufton* told Maſter *Fowle*, one other Commiſſioner, that he would meet the next day at *Northiam*.

The next day being the eighth of *Auguſt*, ſix of the Commiſſioners which were preſent the day before at *Cranbrook*, three of them being of the *Quorum*, and four of them owners of the drowned lands, without other notice given to any of the Commiſſioners, other than as aforeſaid, met at *Northiam* and decreed, That the drowned levels ſhould pay the utmoſt value that had been made thereof, ſince the twentyſixth of *May* 1626 and no more; and if there were any apparent inundations at any time, then after, or neceſſity of more Scots, that then the drowned lands ſhould pay an equall proportion by the acre, with the reſt of the ſcotable lands, and no more.

Queſtions,

1. By what meaſure, by the decrees and proceedings aforeſaid, *Sherleys-moore* ought to pay for the repaire of the indraught, and the rent due for the ſame, and other works decreed to be done as aforeſaid.

2. If it were admitted, that *Sherleys-moore* ſhould meaſure and pay by a pole of ſixteen foot and a half, whether any courſe can now be taken by vertue of the ſaid decrees, to make the now new

owners

owners and occupiers thereof to pay all the Arrerages thereof, ſince the firſt of *October* the eleventh of King *James*.

3. If the Indraught at *Woodruff* be left off and not uſed, and other new works of recovery and preſervation undertaken, how and by what rates the rent ſhall be paid, and the charge of ſuch works borne hereafter by the decrees aforeſaid.

4. Whether lands may be ſcotted above the yearly value thereof.

5. Whether the decree of the eighth of *Auguſt* be good in law.

An agreement Tripartite indented, made by John Glanvile *Eſquire*, Henry Clarke *Eſquire*, Ralph Whitfeild *Eſquire, and* Edward Litleton *Eſquire, the ſixteenth day of* February 1627. *for reconciling of all differences concerning or about the Taxes, former orders, decrees and works concerning the River of* Rother *according to a reference to them heeretofore made by the Commiſſioners of Sewers for the River of* Rother,

IT is agreed that all Indraught Scots which are granted and payable before this day, ſhall be paid at the old rates, *viz.* twelve pence the acre for the wet lands, and four pence the acre for the dry lands. And

And that the firſt ten of the thirteen Scots granted for the ſaid works, ſhall be paid at the rates of twelve pence and foure pence the acre as the ſame are granted.

And that three of the ſaid thirteene ſcots, which are appointed to be payable laſt, ſhall be diſcharged.

And that there ſhall be no new admeaſurement of *Sherleys-moore*, but the ſame ſhall alwayes ſcot by the larger acre, as formerly it hath done.

And that all ſcots to be granted, for the Indraught and for payment of the reſidue of the money already laid forth; or owing for works done, and for all workes hereafter to be done, ſhall be granted and paid equally at the rates of twelve pence, ſix pence, four pence, or two pence the acre, as occaſion ſhall require, as well for the ſommer lands and dry lands, as for the drowned and wet lands.

In witneſs whereof the ſaid John Glanvile, Henry Clarke, Ralph Whitfeild, *and* Edward Littleton *have to every parte of theſe preſents ſeverally ſet their hands and ſeales, the day and year firſt above written.*

Signed and ſealed by,

John Glanvill *Ralph Whitfeild*
Henry Clarke. *Edward Littleton*

We whoſe names are here under written do agree to the agreement within written.

Nicholas Tuſton	*Edward Hales*
Thomas Culpeper	*VValter Roberts*
John Hales	*Thomas Dike*

Kent Sewers and River of *Rother.*

A Seſſion of Sewers holden at Tenterden *the eleventh of* March *in the third year of the Raigne of King* Charles, *By vertue of a Commiſſion bearing date the firſt of* June *in the firſt year of the ſaid Kings Raigne.*

WHereas heretofore divers queſtions and differences have been betweene the Commiſſioners of Sewers for the River of *Rother*, how and by what meaſure or acre *Sherleys-more*, hath and ought to Scot and pay towards the works done, and to be done, upon and about the ſaid River of *Rother*, for the good of the ſeverall

verall Levels of *Sherleys-more*, *Ebony*, *Farnehill*, *Dombarne* and *Newenden*, and other lands within the extent of the Commiſſion of Sewers for the ſaid River; and whether there ſhould be any new admeaſurement of *Sherleys-more*, and at what rate all the lands within the compaſs of the ſaid Commiſſion, ſhall hereafter Scot for the works hereafter to be done, as alſo whether the Decrees hereafter menticioned or any of them, and how many of them were good in Law, and legally made, *viz.* A decree made at a Seſſion of Sewers holden at *Tenterden* the twenty ſixth day of *Auguſt* 1625. for the granting of two indraught Scots yearly, at foure pence the acre for the ſommerlands and twelve pence the acre for the ſurrounded and loſt lands, for the diſcharging of the rents of the Indraught and doing of neceſſary works about the ſaid Indraught, and a decree made at *Northiam* the twenty ſixth of *May* 1626, that from that time the drowned Lands ſhould not be ſcotted in any one year at more than the annuall value or rent thereof; unleſſe it were to prevent apparent inundations, to the utter loſſe of the whole levell or greater part thereof, and a decree made at a Seſſion of Sewers holden at *Tenterden*, the fifthtenth of *May* laſt paſt, whereby it was Ordered that a Seſſion of Sewers ſhould be holden at *Maidſtone* the twenty fifth of the ſaid Moneth of *May* laſt paſt; And a Decree made at a Seſſion of Sewers holden at *Maidſtone*, the ſaid twenty fifth of *May* laſt paſt; whereby thirteen Scots were granted of foure pence the Acre for all

the

the ſommer-lands, and twelve pence the Acre for all the ſurrounded & loſt lands, lying between *Oxney* Ferry and *Odiam* Oake, formerly ſcotted to the works upon the ſaid river of *Rother*, at ſuch times, & in ſuch manner, as in the ſaid Decree is mentioned; And one Decree made at a Seſſion of Sewers holden at *Cranbrook* the ſeventh day of *Auguſt* laſt paſt, which ratified and confirmed the ſaid Decree made at *Maidſtone*, the twenty fifth of *May* laſt; And a Decree made at *Northiam* the eighth day of *Auguſt* laſt paſt, in affirmance of the aforeſaid Decree of the twenty ſixth day of *May* 1626. for the ending and determining of all which queſtions and differences; It was Decreed at a Seſſion of Sewers, holden at *Sandherſt* the eighteenth day of *September* laſt paſt, that there ſhould be two Lawyers choſen, under the Degree of Serjeants, by the Right Honourable *Nicholas* Lord *Tuſton*, Sir *Walter Roberts*, Knight; and *Thomas Dike*, Eſquire, or any two of them; and two other Lawyers of the ſame rank, by Sir *Edward Hales*, Knight and Barronet; Sir *Thomas Culpeper*, Knight, and Sir *John Hales*, Knight; and ſuch end as the ſaid Lawyers ſo to be named, or any three of them ſhould ſet down, under their hands and ſeals, before the end of *Michaelmaſs* Term laſt paſt, ſhould binde all the ſaid parties, and all others whom it did or ſhould concern; And whereas afterwards in purſuance of the ſaid Decree, the ſaid Lord *Tuſton*, Sir *Walter Roberts* and Mr. *Dike*, did nominate and choſe

Henry

Henry Clarke and *Edward Littleton* Eſquires, Counſellours at Law, and the ſaid Sir *Edward Hales*, Sir *Thomas Culpeper*, and Sir *John Hales*, did nominate and chooſe *John Glanvill* and *Ralph Whitfeild*, Eſquires Counſellours at Law; And the ſaid *John Glanvile*, *Henry Clark*, *Ralph Whitfeild*, and *Edward Littleton*, having heard the Objections, Allegations, and Reaſons of both parts touching and concerning the foreſaid queſtions and differences, they did draw a Caſe in Writing ſetting down there under all the queſtions made thereupon; which Caſe ſo drawn, was fully agreed upon by all parties, and ſigned under the handwriting of the ſaid Lord *Tuſton*, Sir *Edward Hales*, Sir *Thomas Culpeper*, and Sir *Walter Roberts*; but the ſaid Caſe being of great conſequence, both for the payment preſent and future, and of much difficulty, there could be no determination, nor reſolution made upon the ſame, before the end of laſt *Michaelmaſs* Term; whereupon it was agreed by the ſaid Lord *Tuſton*, Sir *Edward Hales*, Sir *Thomas Culpeper*, Sir *Walter Roberts*, Sir *John Hales* and Maſter *Dike*, and others of the principal Commiſſioners for the ſaid Levels, that the ſaid foure Counſellours at Law ſhould have further time for ending and determining of the aforeſaid queſtions and differences; and that ſuch end, determination or agreement, as they ſhould ſet down under their hands and ſeals, ſhould binde as aforeſaid: Whereupon the ſaid John *Glanvile*, *Ralph Whitfield*, *Henry Clarke* and *Edward Littleton*, after

long and mature deliberation, having ſeriouſly weighed and conſidered of all the Objections, Allegations and Reaſons of both parts, they did fully conclude and Agree, and ſo Declare by Indenture Tripartite under their hands and ſeals, the ſeventeenth day of *February* laſt paſt, That all Indraught ſcots, which were granted and payable before that day, ſhould be paid at the old rate, *viz.* twelve pence the Acre for the wet-lands, and foure pence the Acre for the dry lands. And that the firſt ten of the thirteen ſcots, granted for the ſaid workes ſhould be paid at the rates of twelve pence and foure pence the Acre, as the ſame were then granted. And that three of the ſaid thirteen ſcots, which were appointed to be payable laſt, ſhould be diſcharged. And that there ſhould be no new admeaſurement of *Sherleys*-more, but the ſame ſhould alwayes ſcot by the larger Acre, as formerly it hath done. And that all ſcots to be granted for the Indraught, and for payment of the reſidue of the money, before that time laid forth or owing for works done, and for all works then after to be done, ſhould be granted and paid equally at the rate of twelve pence, ſix pence, foure pence, or two pence the Acre, as occaſion ſhould require, as well for the ſommer-lands and dry lands, as for the drowned and wet-lands, as by the ſaid Indentures Tripartite under their hands and ſeals, now ſhewed forth appeareth.

It is therefore in purſuance of the ſaid Agree-

ment

ment and end, ſo made by the ſaid Mr. *Glanvill*, Mr. *Whitfield* Mr. *Clark*, and Mr. *Littleton*, Ordered and Decreed, that all Indraught ſcots, which were granted & payable before the 16. day of *February*, laſt paſt, ſhall be paid at the old rates, *viz.* twelve pence the Acre for the wet lands, and foure pence the Acre for dry lands. And that thoſe ten of the aforeſaid thirteen ſcots granted, as aforeſaid, and which were appointed to be paid firſt, ſhall be forthwith paid at the rates of twelve pence and foure pence the Acre, as the ſame are granted, And that the other three of the ſaid thirteen ſcots which were appointed to be paid laſt, ſhall be and are hereby diſcharged, and ſhall never be paid. And that there ſhall be no new admeaſurement of *Sherleys* moore, but the ſame ſhall alwayes hereafter ſcot by the larger Acre, as formerly it hath done; And that all ſcots which ſhall hereafter be granted and paid for the Indraught, and for payment of the reſidue of the money already laid forth, or owing for works done, and for all works hereafter to be done, ſhall be granted and paid equally at the rate of twelve pence, ſix pence, foure pence and two pence the Acre, as occaſion ſhall require, as well for the ſommer-lands, and dry lands, as for the drowned and wet lands.

And it is further Ordered, That ſuch as have paid all the ſaid thirteen ſcots, or above ten of of them, ſhall be repaid ſo many of the ſaid ſcots, as they have ſo paid above ten of them: And for as much as there are many who have not paid the

ſaid

ſaid thirteen ſcots, nor ten of them. It is therefore Ordered, that as well all the ſaid whole ten ſcots, or ſo many thereof, as are yet unpaid, as alſo one Indraught ſcot, formerly Decreed to be paid foureteen dayes before *Michaelmaſs* laſt, ſhall be paid to M. *Humfry Wightwick* at his houſe in *Tenterden*, upon Twesday the firſt of *April* next, at the rates of twelvepence the acre for the drown'd lands and foure pence the Acre for the ſommer lands, as they were firſt granted, giving notice thereof at all ſuch ſeveral Pariſh Churches, as have been heretofore uſually accuſtomed: And it is Ordered & Decreed, that all ſuch perſon and perſons as ſhall make default of payment of the ſaid ten ſcots, or any of them, or of the ſaid Indraught ſcot, at the time and place aforementioned and appointed, that then every ſuch perſon and perſons, ſo making default, ſhall forfeit and pay the doubles and wanes of the ſaid ſcots, according to the Cuſtome of *Romney marſh*.

Item it is Ordered and Decreed, that for the payment of the Indraught, Rents, Officers Wages and doing of neceſſary works about the ſaid Indraught, there ſhall be one Scot of twelve pence the Acre, as well of the ſomer and dry lands as alſo of all the ſurrounded and wet lands heretofore Scotted to the workes upon the River of *Rother*, levied, collected and gathered by Sr *Edward Hales* Knight and Baronet, or by his deputy or deputies, which Scot, ſhal be paid to Maſter *Humphery Wightwick* on Tueſday the firſt of *Aprill* next.

Item

Item, It is Ordered and Decreed, that there ſhall be alſo Levied, Collected, and Gathered three Channell Scots of twelve pence the Acre as well of all the ſommer lands and dry lands, as alſo for all the ſurrounded and loſt lands heretofore ſcotted to the works, upon the River of *Rother*, by Sir *Edward Hales*, Knight and Baronet, Bailiff for the works, upon the ſaid River, or by his Deputy or Deputies to be paid every fortnight one, the firſt ſcot to be paid upon Tweſday the eighth day of *April* next, giving notice thereof at all ſuch Pariſh Churches, as hath been heretofore uſually accuſtomed: And if any perſon or perſons, rated and Taxed as aforeſaid, ſhall make default of payment of ſuch ſeverall ſums of money, or any part thereof, as they are Rated and Taxed, as aforeſaid, That then he or they, ſo refuſing to pay their ſaid ſcots, ſhall forfeit and pay the Doubles and Wanes of their ſaid Scots, according to the cuſtome of *Romney* Marſh; or as the ſaid Bailiff ſhall thinke fit.

Edward Hales, *Walter Roberts*,
Thomas Culpeper, *John Hales*,
Samuel Short, *Edward Chute*,
Alexander Fowle, *Thomas Dike*.

AT a Seſſion of Sewers holden at *Apledore* the fourth day of *Auguſt* 1629. and alſo at a Seſſion of Sewers holden at *Maidſtone*, the fourteenth of *March* 1629. the ſaid Decree of the eleventh of *March*, was ratified and confirmed, both which Seſſion of Sewers were held principally in order to the carrying of the water of the upper Levels, through *Witerſham* Levels, and were made depending the Treatie, between the ſeverall Committees of thoſe Levels, by virtue of an Order from the then Lord keeper of the great Seale of *England*: Between the eleventh of *March*, 1629. And the twentieth of *February*, 1633, The Right Honourable, *Nicholas* Earle of *Thannet*, *Lawrence Peirs*, *Thomas Dike*, *John Bromfeild* Eſquires, *Alexander Fowle* Gentleman, and others, Commiſſioners and Owners of very Conſiderable Intereſts, in the deep drowned Lands, and privie to all before mentioned preceedings, departed this life, leaving their ſeverall Heires reſpectively, under the age of twenty one years or very young, and wholly Ignorant of the Premiſes,

At

AT a Seſſion of Sewers holden at *Tenterden*, the twenty eighth day of *February*, 1633. Eight Commiſſioners, of whom ſeven were Intereſſed in the Summer-lands, And foure of them had ſealed and ſubſcribed the ſaid Decree, of the eleventh of *March*, (which I well know, being preſent at this Seſſion) without any view of Commiſſioners, or preſentment of Jurors (as have ever been accuſtomed in ſuch caſes) Decreed ten Scots to be paid at the former unequall rates of twelve pence and four pence. And continued ſuch unequall rates many years after, By means whereof ſeverall men intereſſed in the drowned lands have been impoveriſhed, and ruined in their Eſtates.

The before mentioned Decree of the eleventh of *March* 1627. being of late diſcovered and made known unto ſeverall Owners of the drowned lands, (who before ſuch diſcovery were wholy ignorant thereof) ſome of the Owners of thoſe lands, being deeply ſenſible of their ſufferings by ſuch unequall proportion of Scots, exhibited a Petition to the Commiſſioners at a Seſſion of Sewers holden at *Cranbrook*, the ſeventeenth of *Aprill* 1650.

Shewing;

THat their Lands formerly drowned; had paid for their drayning, above the meane Rents and profits thereof, twice as much moneys as the Inheritance thereof could then be ſold for: When other Lands, which for thirty years together had been therby preſerved from utter decay, had been Scotted in a farr leſs proportion, and yielded a cleere yearly benefit, and that all future charge and works tended only to preſervation; and could not add any improvement to the Petitioners Lands;

And prayed that their Lands might not thereafter be Scotted as drowned Lands; But that according to the Law and Rule of Sewers, all the Lands Scotted, might be Taxed as their condition then was, and according to their reſpective benefits of Preſervation only.

THe Commiſſioners according to Juſtice, took this Petition into conſideration, & conceived the beſt courſe to ſatisfie themſelves, and give ſatisfaction to others in the buſines, would be to have an exact View taken by ſome of the Commiſſioners, of all the ſeverall Levells & Lands within the Commiſſion, and to inform themſelves by all wayes and means of the Values and Conditions of the Lands, and to make Report thereof, together with their Opinions, and at what Rates the Lands in each ſeverall Levels, ought for the future to be Scotted.

Hereupon Nine of the Commiſſioners then preſent of whom Seaven had no Intereſt in any Scottable Lands (and the other two not any conſiderable) were entreated to take upon them the trouble of the buſines; And a Decree was then made giving them authority for the ſame; The time and place was likewiſe agreed for the Referrees to meet; and take their View; And it was Ordered, that publique notice thereof ſhould be given in the ſeverall Churches where the Lands lay; That all, whom it did concerne, might (if they thought good) go along with the Referrees to Informe them of their complaints, and what elſe they thought neceſſary, upon the place where they might beſt Judge of it.

The Referrees did accordingly meete at the day appointed, and were attended by divers of the Country that could beſt informe them; And

at

at a Seſſion of Sewers holden at *Cranbrook* the twenty firſt of *Auguſt* following, the Referrees met, and made their report, *viz.*

1. That the Marſh-lands lying in the Levels of *Eathnam*, *Dixter*, (other then the fleet there) *Herndon*, *Northiam*, the Common brook of *Newenden*, *Knell*, *Loſſenham*, *Weſt-Maytham*, *Eaſt-Maytham*, *Farnehill*, *Dombarne*, *Witterſham*, *Kenchill*, *Ebonie*, *Sherlies-more*, and *Redhill* are Winter & Sommer Lands, and have received the greateſt benefit by the works; And that all the ſaid Lands (other than the Common Brooke) ought to be Scotted at a full third part more than any other Lands.

2. That the Tennants of the Common Brook of *Newenden* (in regard of their Occupancy in Common) ought to be Scotted but at two third parts of the higheſt ſumme that any other Lands are Scotted at.

3. That the Lands in *Appledore* and *Stone*, ought to be Scotted at one half part of the higheſt ſumme that any other Lands are to be Scotted at.

4. That the Lands in *Peeninge* are good Sommer lands and ought to be Scotted at two third parts of the higheſt rate, that any other Lands are Scotted at.

5. That the Lands above *Hacksden* Bridge, in *Dexter* Fleete, and in *Mencham*, *Ewherſt*, and *Bodiham* Levels, are not Winter-lands, nor other than Caſuall and very uncertaine Sommer-lands,

and not Capable of any Improvement, or better Condition by the works, and ought to be Scotted at one third part of the higheſt ſumme that any other Lands are Scotted at, and not at any higher or greater Rate.

In which Report all the Referrees agreed in every particular, other than *Edward Finch* Eſquire, who differed only from the reſt, in raiſing the Scotts of the late decayed Sommer-lands, and therefore refuſed to ſet his hand with the reſt.

Which Report, as to the reſpective benefits which the ſaid ſeveral Levels had received by the ſaid Works, concurred with the preſentment of thirty Jurours in that behalf made the 27. day of *May* 1645. when the Report was made

At which time there was a very full appearance both of the Commiſſioners, & of the Country; The Commiſſioners to avoid Confuſion of ſpeech, and that every man might be the better underſtood, did think fit, that one of the Commiſſioners ſhould ſit as Chaire man, to whom each man ſhould direct his diſcourſe, Colonell *Temple* was made choyce of, *Richard Kilburne* Eſquire, one of the Referrees opened the report, and gave an accompt of what was done by himſelf and the other Referrees, with their Reaſons for each ſeveral proportion of Scotting mentioned in the report; All being heard, the Commiſſioners thought fit that each particular Operative paſſage in the Report ſhould be reſpectively debated and ſeverally Voted.

Samuell

Samuell Short, and *Edward Finch*, Esquires, urged all that could be said against the raising of the late decaying Summer-lands (especially those of *Sherleys-moor*, and *Ebony*,) to an equall Rate of Scots with the drowned Lands.

After a full debate and hearing of all that could be said on both sides, by the space of many howrs, most of the Commissioners then present were of Opinion, 1. That the late decaying Sommer-lands could not have preserved themselves untill that time, by any other wayes or meanes than had been used.

2. That the charge of preservation would have cost them more money than the Inheritance of their said Lands were then worth to be sold, If the Owners of the drowned-Lands had not joyned with them therein as aforesaid.

3. That the Owners of the drowned Lands having forty years together expended upon the generall works, the whole yearly Rents of their Lands, and so much more money over and above; as twice the value of the Inheritance of their Lands is worth to be sold. And the decaying Lands, during all that time, having been thereby preserved from further decay; and yielded yearly sixteen or eighteen shillings the Acre profit above all Scots and Charges; That the Owners of the said decaying Lands, have, and do enjoy much more benefit by the generall works aforesaid by their preservation than the Owners

of the late drowned Lands, by the recovery and preſervation of their Lands.

That upon Conſideration of the whole matter it ſeemed more reaſonable, that the late decaying Lands ſhould be Scotted at twelve pence the Acre, and the late drowned Land at fourpence the Acre, untill they meet in an equall Ballance of Charge ſince *March*, 1627. (at which time they were ſo legally, and by conſent of all parties brought to an equall rate of Scots) then to continue them Scotted hereafter at the unequall Rates of twelve pence the Acre drowned Lands, and four pence the Acre Sommer-lands. Of twenty eight Commiſſioners which were then preſent, twenty three (of whom ſixteen had not One Acre of Scottable Lands) did Vote, that *Sherleys-moor*, and the reſt of the late decaying Sommer-lands ſhould be Scotted at an equall rate with the late drowned Lands, both being now made Winter-lands.

Four Commiſſioners who had Intereſt in *Sherleys moor*, & one man only that was not Intereſſed in any Scottable Lands, did vote, to have the Scots continued at the former unequall Rates.

The ſecond, third, fourth, & fifth particular clauſes of the ſaid reportes were ſeverally voted in the affirmative, by all the twenty eight Commiſſioners, *Nemine Contradicente.*

Whereupon there was a decree then made for Confirmation of the ſaid report, But the Commiſſioners did then forbeare to grant any Scots in perſuance

perſuance thereof, and appointed a Seſſion of Sewers to be holden the ninthteenth of *September* following, To the end, That ſuch Commiſſioners or Owners as diſſented or were not ſatisfied with the ſaid Report, might then (if they could or thought fit) Offer ſuch reaſons as might induce the Commiſſioners to alter or varie the proportioning of the Scotts from the ſaid Report.

The nineteenth of *September* ſome Owners and farmers, of the Lands formerly Scotted as Sommer-lands, exhibited a petition to the Commiſſioners, & deſired the Commiſſioners not to proceed to grant any Scots according to the ſaid report, before they had heard ſuch convincing reaſons as the petitioners had to produce and offer againſt it.

Upon conſideration whereof, the Commiſſioners then preſent, appointed another Seſſion of Sewers to be holden at *Cranbrook* the twenty third of *October* following, to receive ſuch convincing reaſons as the Peticioners intimated; and for that it was then alledged that there was a neceſſity of ſpeedy raiſing of money for ſome works then to be done; The Commiſſioners granted one Scot according to the proportions mentioned in the ſaid Report, to be paid the one & thirtieth of *December* following, The payment whereof was ſo appointed to be after the next Seſſion of ſewers, to the end, all or any the proportions mentioned

might

might be altered, if any ſufficient reaſon ſhould be then offered for the ſame.

THe twenty third of *October* there was a full meeting of the Commiſſioners and the Countrie where the Owners and Farmers of the Sommer lands, exhibited a remonſtrance, which offered ſeverall reaſons why the late ſommer-lands ſhould not be equally ſcotted with the drowned Lands.

Upon Reading whereof, The Commiſſioners then preſent, did not apprehend the Reaſons therein contained much differing, or more materiall, than thoſe formerly offered, debated, and fully anſwered; Yet upon further Conſideration, to manifeſt how deſirous and willing they were to grant Relief and eaſe to any Lands, for which they conceived any the leaſt cauſe or colour of abatement in their proportion with others, Ordered, that the Marſh-lands lying in *Redhill* (between the Levels of *Sherleys-moor* and *Apledore*) which by the report were to be ſcotted equally with the higheſt, ſhould thenceforth be ſcotted but at one half part of the higheſt proportion that any other Lands are ſcotted at.

Whereupon further differences and contentions being like to grow and increaſe between the Commiſſioners & owners aforeſaid, which would be very prejudicall to all the ſaid Owners, and deſtructive to the Levels; It was then concluded and Decreed, That the ſaid Commiſſioners & Owners ſhould joyntly Petition the Right Ho-

norable the Commiſſioners of the Great Seal of England, to be pleaſed to hear and determine the ſame; And that *Edward Finch*, and *Nathaniell Powel*, Eſquires, ſhould deliver the Petition aforeſaid, and from time to time attend thereupon, as occaſion ſhould require.

A Petition was forthwith drawn, ſubſcribed by ſeverall of the Commiſſioners and Owners aforeſaid, and after preſented to the ſaid Lords Commiſſioners, by the ſaid *Edward Finch* and *Nathaniel Powell*.

Upon Reading whereof, the ſaid Lords Commiſſioners the twenty fifth day of *November* 1650. by Writing under their hands, deſired *Robert Henley*, *Richard Pepis*, *Thomas Fletcher* and *John Hurſt* Eſquires, or any two of them, to call the parties mentioned in the Petition before them, and to mediate and end the differences (if they could) or in default to certifie their Lordſhips the ſtate of the whole buſineſſe, with what convenient ſpeed they could.

The 18th of *December* following, *Robert Henley*, and *John Hurſt* (two of the ſaid Referrees) made their Certificate under their hands to the ſaid Lords Commiſſioners, as followeth, *viz.*

18. *December* 1650.

To the the Right Honourable the Lords Commiſſioners of the great Seal of ENGLAND.

IN purſuance of an Order of Reference, dated the 25. of *November* laſt, made by your Lordſhips, upon the Petition of the Commiſsioners of Sewers, and Owners of and for the Levels, called the Upper Levels, in the Counties of *Kent* and *Suſſex*; having been attended by ſeveral parties therein concerned, and heard the Allegations and Reaſons offered on either part by *Edward Finch* and *Nathaniel Powell*, Eſquires, thereunto Deputed by Decree of Sewers, Dated the 23. day of *October* laſt paſt: Upon ſerious conſideration whereof, and of the manifold, eminent hazards, charges and loſſes impending the ſaid Levels, for the more ſpeedy compoſure of the preſent differences between the ſaid Commiſſioners and Owners, and preſervation of love and unity amongſt them; We offer to your Lordſhips conſideration, theſe Propoſals following; Whereunto, as ſeverall perſons of reſpective conſiderable Intereſts in the ſaid Levels, have already declared their Aſſents; ſo we hope, that all others in like manner therein concerned, will readily acquieſce in the ſame.

Firſt, That the Waterſcot granted at a Seſſion of Sewers, holden the nineteenth of *September* laſt, pay-

payable the one and thirtieth of this inſtant *December*, ſhall ſtand and be payd accordingly.

Secondly, That all future Waterſcots, relating to the payment or diſcharge of any future Rent, Dammages, or Works, for or within the Levell of *Witterſham*; The Marſhlands lying in the Levels of *Sherleys-moore*, *Kenchill*, *Ebony*, *Dombarn*, *Witterſham*, and *Farnhill*, ſhall be ſcotted and taxed at two third parts of the higheſt ſum, that any other lands ſhall be ſcotted and taxed at, other than the high lands, parcell of *Sherleys-moore* lying between the Channel of the river of *Rother*, and the highway leading from *Redhill* to *Appledore*, which ſhall be ſcotted and taxed at one half part of the higheſt ſum, that any other lands ſhall be ſcotted and taxed at; The Acre to be admeaſured by the Pole of ſixteen foot and a half; And the other Marſhlands lying in *Sherley more* ſhall continue their antient admeaſuremeat.

Thirdly, That all Leavies and Taxes hereafter to be made, for any general Works, upon the river of *Rother* and Channel of *Appledore*, within the limmits of the Commiſſion, for the ſaid Upper Levels, ſhall be ſcotted and taxed at the rates and proportions Decreed at the aforeſaid Seſſion of Sewers, holden the nineteenth of *September* laſt, in purſuance of the Report of the Referrees in that behalf made.

Fourthly, That for payment of all Debts owing by the ſaid Upper Levels before *Michaelmaſs* laſt, there ſhall be yearly two Waterſcots taxed

leavied (*alternis vicibus*) in manner and form following; one of them after the proportion of twelve pence the Acre drowned lands, and four pence the Acre ſommer lands, payable within ten dayes after our Lady day: The other of them, according to the rates and proportions mentioned in the ſaid Report, and Decreed the nineteenth of *September* aforeſaid, to be paid within ten dayes after *Michaelmaſs*.

Fifthly, The better to prevent and avoid all partiall and ſelf intereſſed proceedings between the Commiſſioners of Sewers, for the time being; That when and as often, as it ſhall be neceſſary to renew the Commiſſion for the ſaid Levels, that your Lordſhips be pleaſed to direct the ſame to an equall number of Commiſſioners inhabiting reſpectively within the ſeveral Counties aforeſaid.

Sixthly, That as well upon all veiws of Commiſſioners, as impannelling of Jurors for information of the ſaid Commiſſioners, as occaſion ſhall require, there may be likewiſe an equall number imployed inhabiting as aforeſaid:

All which we humbly ſubmit to your Lordſhips conſideration.

Robert Henlye.
John Hurſt.

The

THe twenty fourth of *December* 1650. The Lords Commiſſioners under their hands, recommended the Propoſals to the Commiſſioners of Sewers for the ſaid Levels, deſiring them to ratifie and confirm the ſame, at the next Seſſion of Sewers to be holden for the ſaid Levels, if they ſhould think them reaſonable.

THe nineteenth of *January* following, at a Seſſion of Sewers, holden at *Cranbrook*, by ſeverall Commiſſioners, intereſſed in the Lands taxed at the reſpective proportions aforeſaid, the ſame Propoſals were ratified, and after confirmed by Decree of Sewers, at ſeverall ſubſequent Seſſions; And ſeverall ſcots granted in purſuance thereof, by the ſpace of two years then following.

Afterwards ſome Owners of conſiderable Intereſts in the deep drowned lands, having ſeveral years indeavoured to bring all the lands Scotted to the Works upon the River of *Rother*, unto an equall rate of Scots, as the ſame was ſettled and Decreed the eleventh of *March*, 1627. And conceiving that the ſeveral proportions of Scotting mentioned in the ſaid Propoſals, and Decreed as aforeſaid, were of more advantage to the other ſcottable lands, than to the drowned lands, in *Michaelmaſs* Term 1652. uſed many perſwaſions to ſome Owners of reſpective conſiderable Intereſts, in the late decaying,

and

and in the preſent caſuall Sommer lands; That they would for their own parts aſſent, and further endeavour to perſwade ſuch other Owners as were intereſſed in the Lands of the ſame condition, for their parts alſo voluntarily to conſent; That the lands then ſcotted, at twelve pence the Acre ſhould be reduced to ten pence the Acre; That the lands then ſcotted at foure pence the Acre ſhould be raiſed to ſix pence the Acre, affirming with much confidence; That this would be a means to put a final end to all future differences between the Commiſſioners and Owners of the ſaid Levels touching the proportions of Scots: Whereupon the Owners of the reſpective Sommer lands before mentioned, being very deſirous and willing to prevent and avoid all future differences and contentions, between the Commiſſioners and Owners of the ſaid Levels: Anſwered, That if Sir *Edward Hales*, Knight and Baronet, and ſome other Owners of conſiderable Intereſts in the ſaid Levels, would ſignifie under their hands, That they did for their parts, conſent and agree thereto; That then thoſe Owners of the reſpective Sommer lands aforeſaid (from their deſire and love of peace and quietneſſe) would for their parts conſent thereunto; and endeavour to perſwade others alſo to doe the ſame (though to their prejudice) contentions between the Commiſſioners and Owners aforeſaid, threatning eminent ruine to all the ſaid Levels.

AT a Seſſion of Sewers holden at *Robertsbridge* the fifteenth day of *April* 1653. ſeveral Commiſſioners and Owners of conſiderable Intereſts in the ſaid Levels, ſignified under their Hands, in theſe words, *viz.*

This 20th. of *November* 1652.

We whoſe Names are hereunto ſubſcribed, Commiſſioners and Owners principally Intereſſed in the Marſh lands, commonly called and known by the name of the Upper Levels; For the final ending of all differences between us, concerning the proportion of Scots, doe for our ſelves Conſent and Agree, that the lands now ſcotted at twelve pence the Acre be reduced unto ten pence Acre, that the lands now ſcotted at foure pence the Acre, be raiſed to ſix pence the Acre; and that the lands ſcotted at eight pence the Acre, and the lands now ſcotted at ſix pence the Acre, be continued at the ſame rates; and that all ſcots, which hereafter ſhall be granted, ſhall be taxed according to this proportion.

Edward Hales,
John Auſten,
William Cage,
Edmond Gibbon,
Thomas Culpeper,
Robert Cordell,
Thomas Peirs,
Nathaniel Powell,
Th. Frewen.

In

In purſuance whereof, and for the ends therein mentioned, it was Decreed accordingly, and ſeveral Scots then granted at the rates aforeſaid: And afterwards, at a Seſsion of Sewers, holden the 16 of *May* 1654. It was Ordered and Decreed, by more than thirty Commiſsioners then preſent, That if at any time hereafter there ſhall be any intention or endeavour uſed by any Commiſsioners or Owners of the Lands lying in the Upper Levels, to alter the proportion or rate of the general Water ſcots taxed upon the Lands in the ſaid Levels from the proportion or rate that they are, now ſcotted at; That before ſuch alterations there ſhall be Proclamation made concerning the ſame in all ſuch Pariſh Churches, as have been accuſtomed for Proclamation of the payment of Scots, at the leaſt twenty dayes before any Seſsion of Sewers ſhall be holden for that purpoſe: To the end, that before any ſuch alteration ſhall be made, the Reaſons may be fully and freely Debated; And that all Seſsions of Sewers for that purpoſe ſhall be holden at *Cranbrook*:

Since which, there hath not been any further, or other Alteration of the Proportions laſt before mentioned.

Anno 1650.

An Objection made againſt the Abatement of the Scots of thoſe lands, formerly deep drowned lands, and now caſuall Sommer lands.

Objection.

MEmorandum, That the Owners of foure hundred Acres of drowned lands, in the abſence of the Owners of the other deep drowned lands, found means to have their Scots abated, from twelve pence to foure pence the Acre, whereby although, it be true that thoſe lands at this preſent, let for fifteen or ſixteen ſhillings the Acre, and other drowned lands (which were higher, and better conditioned) let for twenty five ſhillings the Acre; yet thoſe lands continue ſcotted at 12s the Acre, there having been thirty Scots or thereabouts paid in ſome years, and ſo continued; Thoſe drowned lands of better condition pay five ſhillings the Acre above the rent received for them; and thoſe of the worſt condition (paying but thirty groats) have five or ſix ſhillings the Acre yearly clear profit.

Anſwer.

IN this Memorandum, Two particular Objections are obſervable, the firſt relates to the manner of procuring ſuch abatement; the ſecond to the profit of thoſe lands in reference to other deep drowned lands.

To the first it was Answered, That such abatement made and Decreed upon presentments of Jurors, and views of Commissioners taken in several years, cannot be said to be surreptiously procured, but obtained upon the Justice and Merits of the Cause, after all wayes and meanes used for information of the Commissioners, which the Law requires: So that upon debate of the same, at a Session of Sewers held the 21. of *August* 1650. It was Voted by 28. Commissioners (of respective Interests in the said Levells) *Nemine contradicente*; That the Lands mencioned in this Objection should from thenceforth be scotted, but at one third part of the highest summe which any other Lands should be Scotted or taxed at.

For the second Objection, relating to the profit of those lands in reference to the other deep drowned lands; howbeit it might have been Answered with the like supposition; that if the deep drowned lands worth five and twenty shillings the Acre pay eight shillings in Scots yearly (which Sir *Thomas Culpeper*, and other Commissioners affirmed, would be the greatest annual charg after the works were finished in *Wittersham* Levell) And those foure hundred Acres of land worth fifteen shillings the Acre pay eight groats, it is apparent, that those deep drowned lands worth five and twenty shillings the Acre will receive yearly foure shillings and eight pence the Acre, and if scotted at equall rates, ten shillings the

the Acre more than thoſe foure hundred Acres of caſuall ſommer land, which coſt as much to drain and recover as the other; But it was further Anſwered and manifeſted, That a very conſiderable part of thoſe foure hundred Acres of land were not then let for above thirteen ſhillings and foure pence the Acre yearly; and that after ſuch time as the works were undertaken in *Witterſham* Levell, and before ſuch abatement of ſcots (being foureteen or fifteen years) the Owners of thoſe foure hundred Acres of land had paid one year with another ſeven or eight ſhillings the Acre in Scots more than the annuall Rent thereof; and that ſeverall years ſince ſuch abatement, they have not yielded two ſhillings the Acre profit, the ſame being deſtroyed by the floods.

And it is to be remembred, That no lands are legally ſcottable to any works, but proportionable to the benefit which they have, doe, or may receive thereby; In all which reſpects, thoſe four hundred Acres of land ought not to be ſcotted in a higher proportion than they now are; For that,

Firſt, As to the benefit they have received, It is acknowledged that they were formerly deep drowned lands, and are now drained and recovered; but having firſt paid in hopes thereof, for the works of *Ebony*, *Peening* and *Woodruff*, neer twelve pound the Acre, more than the mean rents and profits thereof, and received ſo little

benefit thereby, as that the Fee-ſimple thereof was not then worth to be ſold above twenty ſhillings the Acre, and part thereof ſold for leſſe; And having alſo paid to the works in *Witterſham* Levell, for their recovery and preſervation, neer twenty pound the Acre, which is much more than the Fee-ſimple thereof (if exempted from Scots for ever hereafter) is now worth to be ſold; They are not hereafter to be ſcotted for any benefit received by ſuch Recovery; but their former fruitleſſe charge and expence therein, ought in conſcience to be conſidered in their future charge of preſervation.

Secondly, As to the benefit which thoſe lands doe now enjoy by the ſaid works; they being low lands, and lying fartheſt from the Sea, and the river of *Rother* continuing his courſe through the middle of them, they are at the beſt but caſuall Sommer-lands, ſubject to be flowed with all ſudden rains, and are the firſt drowned and laſt drained, and of much leſſe yearly value than any other ſcottable Lands.

Thirdly, As to future benefit which they may receive by the ſaid works; I conceive it is not ſo much as pretended, that thoſe lands are capable of any more or greater benefit by the works than what they now enjoy: And that juſtice may be done in ſuch caſes, wherein experience hath diſcovered the miſtakes or errours of former opinions or judgments, the Statute gives power to the Commiſſioners to alter and change their

decrees

decrees as in their diſcretions they ſhall ſee cauſe, which they are nevertheleſſe to conforme according to Law and Juſtice, and not according to their ſeveral Wills and Affections, for *Talis diſcretio diſcretionem confundit*, as Sir *Edward Coke* ſpeaks in *Rooks* his Caſe.

Upon conſideration of the premiſes, the Commiſſioners of the ſaid Levels, did not think it legall or equitable, that thoſe lands, which are now but caſuall and uncertain Sommerlands, and not in any appearance of further decay, nor capable of any Improvement, or of any further benefit than preſervation onely, ſhould be ſcotted in a greater proportion for the ſame, than other Sommerlands heretofore paid for their preſervation, which were not onely of far greater value (and conſequently their benefit of preſervation greater) but alſo in apparent danger to become drowned and loſt; and are now made perfect Winterlands, more ſecure and of better value than formerly: And in caſe the proportion of Scots be continued at ſix pence, eight pence, and ten pence the Acre reſpectively (as hath of late been Decreed) Then thoſe foure hundred Acres of Caſuall Sommerlands (with reference to their yearly values and caſualties) will be charged in a much greater proportion than any other lands ſcotted to the works upon the River of *Rother*.

One of the Arguments which Sir Thomas Culpeper *Knight delivered in writing under his hand to Collonel* Temple *the* 21. *of* Auguſt 1650. *why* Sherley *Moore and the Summer lands thereabout ought to be Scotted equally with the drowned lands.* Viz.

MAny years ſince, and before the generall works upon the River of *Rother* were undertaken, the owners of the deep drowned lands endeavoured to Sew their dead waters through *Witterſham* Levell, which they might have done, and made their lands good Summer lands, with the tenth part of the charge, which this new courſe hath coſt them, and they would have found no great difficulty to give the owners of *Witterſham* Levells ſatisfaction and ſecurity; but the owners of *Sherley* Moore and the reſt of the Summer lands did alwayes oppoſe them, alleadging; that if the waters of the upper Levells ſhould be turned out of their courſes (which lawfully they might not doe) it would be a meanes of the ſpeedy ſwerving up of the Channell, and decay of their lands (as nndoubtedly it would) whereby they were alwayes hindered of that courſe of helping themſelves; and untill the laying

ing open of the low lands of *Witterſham* for an indraught was propoſed, they could never have the conſent of the owners of *Sherley* Moore, and the reſt of the Summer lands (and without their conſent it could not be done) for the carrying of their waters through *Witterſham* Level, therefore the great charge of *Witterſham* indraught, and the works neceſſary to it, was principally in the intereſt of *Sherley* Moore, and the reſt of the Summer lands, who have found the greateſt benefit thereby. How then can there be any Right to continue this Burthen upon the twelve peny Scotted lands, which have payed much more in Scots than the value of their lands amount unto, ſince the eleventh of *March* 1627. At which time it was ordered and decreed by Sir *Edward Hales*, Sir *Thomas Culpeper*, and ſix other Commiſſioners, that for ever after the drowned lands and Summer lands ſhould be equally Scotted, as in the Award was declared: But *Nicholas* Lord *Tufton*, and ſome other Commiſſioners Intereſſed in the deep drowned lands, refuſed to ſigne that Decree, alleadging, that all the works for the recovery of their lands being then given over, and ſuch Scotts as were granted being onely for the payment of the rent of the Indraught at *Woodruff*, and for works about the ſame (of which there was no uſe then made, but onely for preſervation of the Summer lands) There could be no reaſon to Scott theſe lands for preſervation, which were nothing worth: But other owners of the

deep

deep drowned lands, being Commiſſioners, were willing to continue their lands Scotted at equall rates, the charge being then not much, in hopes there might again ſome other works be undertaken, which might recover their lands, in which the ſummer lands were to joyn with them at equall Rates of Scotts: And thereupon ſigned that Decree.

All the Marſh-lands lying between Udiham-Oake, *and* Thorney Wall, *were above Forty years ſince within the Limits of the Commiſſion for the Upper Levels, and have received benefit by the late works upon the River of* Rother, *and ought to be Taxed towards the Charge thereof.*

THat all thoſe Lands were formerly within the Limmits of the Commiſſion for the Upper Levells, is evident by the Limmits of the Commiſſion for the ſaid Levels Dated the firſt of *Aprill*, 1609. Extending from *Tiſeherſt* in *Suſſex*, unto and as far as *Knock*, in the Iſle of *Oxney* and *Cheriton Bars*, on the North ſide of the now Sewer of the Five waterings in *Walland Marſh*, and further unto and as farr, as the low water marke at the Sea, (except and out of the ſame Commiſſion) Excluding all thoſe Lands, Sewers and Gutts which are in the Government of *Romney Marſh*, or within the precincts of the Commiſſion of Sewers of *Walland Marſh*, and *Guildford Marſh*, or in the Borders or Confines of the ſame, which Limits, (as bounding upon the upper Levells) continued untill the year 1649. At which time the limits of *Walland* Marſh were enlarged: Theſe words, *viz.* And ſo along the Channel from *Guildford* Marſh aforeſaid to *Appledoore*, in the ſaid County of *Kent*, being altered and made

run thus, *viz.* And so along the Channel from *Guildford* Marsh aforesaid to *Oxney* Ferry, and from thence to *Appledore*; *Oxney* Ferry being never before that time mentioned in any of the Commissions of Sewers for *Walland* Marsh; and lyes about a mile above *Thorney* Wall; by means whereof neer two hundred Acres of Marshlands which sued onely into the Sewer of the Upper Levells, are excluded out of the Commission for the said Levells; which the Owners of the Upper Levels apprehend to be an unkinde return from *Walland* Marsh, in whose Interest, and for whose preservation the Upper Levels have expended above twenty thousand pounds, more than otherwise they needed to have done for their own Recovery and preservation, and receive from the Owners of the Five Waterings and *Walland Marsh* but 160. pounds yearly, contribution towards the same.

And whereas it hath been Objected, That the lands lying, between *Thorney Wall* and *Oxney Ferry* were excluded out of the Commission of the upper Levels, By force of the exception mentioned in the said Commission, Dated the first of *April* 1609.

It is Answered, that the limits of the Commission for the Upper Levels, extending as far as the low Water-mark at the Sea; and the Marshlands of the Five Watrings (which are, and then were under the government of *Romney* Marsh) and the Marsh lands lying within the several

veral Levels of *Walland* Marſh, *Guildf.* ... ...rſh, and *Witterſham* Levell, ſuing all into the River of *Rother* and Channel of *Appledore*, between *Cheriton* Bars and the low water-Mark, muſt neceſſarily be included within the Commiſſion for the Upper Levels, if for prevention thereof, ſuch exception had not been inſerted in the ſaid Commiſſion, which could not exclude any of the lands out of the Commiſſion for the Upper Levels, which lye between *Thorney* Wall and *Oxney* Ferry, not then being within the limits of *Walland* Marſh, nor iſſuing any of their Waters into the Sewers of the Five Waterings or *Walland* Marſh.

And further it is evident, That the Upper Levels have from time to time, cleanſed and maintained the Channel, between *Oxney* Ferry and *Thorney* Wall, made a ſtop in the Channel, laid ſeverall Sluces at *Thorny* Wall, and built a houſe and ſet up a Crane, for the benefit of Navigation; all which coſt the Upper Levels, ſeverall thouſands of pounds, *Walland Marſh* contributing no part towards the Charge thereof; And the Upper Levells, could not perform the workes in the ſaid Channell, nor have laid the Sluces, and built the houſe and Crane aforeſaid, had the Limmits of the Commiſſion for *Walland* Marſh then extended to *Oxney Ferry*, or had not *Thorney* Wall then been within the Limits of the Commiſſion of Sewers for the Upper Levells.

All which appears, as well by the Teſtimony of ſeverall perſons yet living, as by the Officers Accompts, and ſeverall Decrees of the Cõmiſſioners of Sewers, for the ſaid Levells, *viz.*

The Expenditors, firſt Account, fol. 24. 27, 28. 31, 32. 36. 41, 42 47. 51, 52. 54.
Second Accompt, fol. 1. 3. 14. 16. 20. 22. 24. 27.
Third Accompt, fol. 14. 22. 23. 29. 33.

The Decrees of the ninth of April 1623. *Twenty third of* April 1623 *Third of* June *twenty firſt* Jacob. *Twenty ſixth of* Auguſt 1625. *Firſt of* June 1631. *Twenty fifth of* May 1624. *Twenty ſeventh of* May 1634.

That all the Lands within the ſaid Levels, which ſew into the Channel of Appledore, *have received beneſit by the works, and Indraught in* Witterſham *Levell will beſt appear, by looking back upon the Condition of their* Sewer *before thoſe works were undertaken.*

THe Lords of *Romney* Marſh, and the Commiſſioners of *Walland* Marſh, being informed that the Sewers of the Five Waterings and *Walland* Marſh were much ſwerved and decayed;

ed; In *December* 1630. ſent theſe Queries following to the Bailiffs and other Officers of thoſe Levels, with directions by their Views, or otherwiſe, to make inquiry thereof; and upon the fourteenth day of *January* following at *Aſhford*, to deliver their judgments, and Anſwer thereupon, to the Lords and Commiſſioners of the Marſh, who were appointed for that purpoſe, and at that time to be there.

The Queries were as followeth, viz.

1 WHether the Lands of the Five Waterings and *Walland* Marſh did then ſew as well as formerly they had done.

2 Whether the River of *Rother*, which was their Sewer, did not ſwerve and decay.

3 Whether if ſuch ſwerving were not prevented, it would not ſpeedily prove dangerous to the drowning of their Marſhes.

4 Whether there were any way to preſerve the ſaid Marſhes, but either by making a new Sewer to *Dim-church*, or turning the River of *Rother* through *Witterſham* Lewell; and by laying the low Lands there open for an Indraught, thereby to prevent the ſwerving of the River of *Rother* and loſſe of their Sewer.

5 Which would be the cheapeſt and ſafeſt courſe for them, either by making a new Sewer

to

to *Dim-church*, or turning the River of *Rother*, through *Witterſham* Levell as aforeſaid.

Upon the foureteenth of January *following, the Bailiffs and Officers aforeſaid, made their return to the Queries, as followeth, viz.*

1 THat the Five Waterings, and *Walland* Marſh did not ſew ſo well as formerly they had done.

2 That the Sewers which were there did daily ſwerve and decay.

3 That if ſuch decay and ſwarve were not ſpeedily prevented, they were in danger to looſe their ſewer there.

4 That there was no way for them to ſew, but either by making a new Sewer to *Dimchurch* or by turning the River of *Rother*, through *Witterſham* Levell; and by making the low lands there an Indraught as aforeſaid.

5 That the making of a new Sewer, to *Dimchurch*, would be a work of exceſſive charge, and very great difficulty, and that the cheapeſt and ſafeſt way for them, would be to preſerve their Sewer as aforeſaid was propoſed.

The

THe Lords and Commiſſioners aforeſaid, before they would determine any thing therein; deſired, that as there was a veiw formerly made by the Bailiffs and Officers of the Marſh; That ſo certain of the Lords and Commiſſioners might be intreated to take a veiw thereof, and report their judgments therein.

The nineth of *Auguſt* following, certain of the Lords and Commiſſioners of the Marſh made their Reports, which did in all particulars agree with the Report formerly made by the Bailiffs and Officers aforeſaid.

AND moreover it was proved to the Jurors upon their veiw, *Anno* 1645. 1. That before the Sluce was laid at *Thorney* Wall, the lands in *Ebony*, *Redhill* and *Appledore* were in ſuch decay, that their private Guts were ſwarved up, and ſeveral times upon coming down of the Land waters, the Tenants were inforced to cut their Wals to let out the Waters from their Land.

2 That ſeven or eight years after the Sea was let into *Witterſham* Level (before it had wrought his full effect) the Sluce at *Thorney* Wall was often times ſo ſwarved with Slub, as that the freſh waters could not iſſue through the ſame, but upon coming down of the land Floods, Labourers did work to open the Sluce, which they could not doe, but with the help of the Flood and Indraught.

3 That *Keet* Gut was many years before ſwerved up to the Capcaſe, which lay above two miles neerer to the Sea; And *White Kemp* Gut, and *Walland* Marſh Gut, which lye foure or five miles neerer to the Sea, than the lands above *Thorney* Wall (and conſequently had more fall, and better Sewer) were in great decay, and danger to be ſwarved up, in ſo much as the Owners of the lands in the Five Waterings and *Watland* Marſh, doe acknowledge that they have received benefit of Sewer by the Works of *Witterſham* Level: And in conſideration thereof, have, and doe contribute 160. pounds *per ann.* towards the charge thereof. And can any man doubt (who hath obſerved the working of the Sea, and decay of the Sewers in thoſe Levels; where that part of the Channel, which lyes fartheſt from the Sea, is ever firſt ſwarved; and thoſe lands which lie moſt remote from the Sea, doe ever decay firſt) but that all the lands which lye above *Thorny* Wall, and ſew into the Channell of *Appledore*, have received benefit by the Works and Indraught in *Witterſham* Levell; And the Common Outfall of all the ſaid Lands, having been ever ſince maintained at a very great charge; Can any man think fit, that any of theſe lands ſhould now be exempted from payment of Waterſcots.

To Conclude.

HOwbeit that the drowned Lands be now perfectly Sewed, and the Charge thereof hath coſt the Owners twice as much money as the Inheritance of their ſaid Lands, is now worth to be ſold; And notwithſtanding that the preſent and future Works, are onely for preſervation; wherein the late decaying Sommerlands are more Intereſſed than the late Drowned lands; And notwithſtanding it is evident and apparent, That the Owners of the Drowned lands, might have drained their Lands (and often endeavoured it) at the tenth part of the Charge, which this courſe hath coſt them; had they not been from time to time oppoſed therein, by the Owners of the Sommer lands, which have had the greateſt Benefit of any other Lands, both by the late and former Works upon the River of *Rother*: Some Commiſſioners Intereſſed in thoſe Sommer lands, and high Marſh lands, endeavoured (and doe ſtill endeavour) to revive the former unequall proportion of Scots; and alſo to exempt thoſe high Marſh lands from payment of any Waterſcots, contrary to the ſeverall Preſentments, made by ſufficient Jurors of the reſpective Counties a-

foreſaid ; Contrary to ſeverall Reports made upon Veiw of Commiſſioners, who had no Intereſt in any Scotable Lands, Contrary to ſeverall Decrees of Sewers thereupon made, Sealed and Subſcribed by ſeveral Commiſſioners intereſſed in thoſe Sommer lands and high Marſh lands ; and contrary to the Law of Sewers ; And for theſe ends, by ſecret Sollicitations, obtained a Commiſſion of Sewers, for the ſaid Levels, with very great Advantages, in number of Commiſſioners intereſſed in the Lands diſtinguiſhed, by the names of Sommerlands, and high Marſh lands ; which Commiſſion was ſoon after Complained of, and Recalled.

FINIS.

MVSEVM BRITANNICVM